

Town Board Minutes

**Meeting
No. 3**

Special Meeting

January 20, 1998

Town Board Minutes

Meeting No. 4

Regular Meeting

January 20, 1998

MEETINGS TO DATE 3
NO. OF REGULARS 1
NO. OF SPECIALS 2

LANCASTER, NEW YORK
JANUARY 20, 1998

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of January 1998, at 6:30 P.M. and there were

PRESENT:

- ROBERT GIZA, SUPERVISOR
- DONALD KWAK, COUNCIL MEMBER
- JOHN MILLER, COUNCIL MEMBER
- MARK MONTOUR, COUNCIL MEMBER
- DONNA STEMPIAK, COUNCIL MEMBER
- REBECCA ANDERSON, PLANNING BOARD MEMBER
- FRANK DE CARLO, PLANNING BOARD MEMBER
- JOHN GOBER, PLANNING BOARD MEMBER
- STEVEN SOCHA, PLANNING BOARD MEMBER
- MELVIN SZYMANSKI, PLANNING BOARD MEMBER
- MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: DAVID MARRANO, PLANNING BOARD CHAIRMAN

ALSO PRESENT:

- ROBERT THILL, TOWN CLERK
- RICHARD SHERWOOD, TOWN ATTORNEY
- ROBERT LANEY, BUILDING INSPECTOR
- ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
LANCASTER SELF STORAGE SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Lancaster Self Storage site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment," which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER , TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
LANCASTER SELF STORAGE SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately .06 acres.

The location of the premises being reviewed is situate on the east side of Transit Road, north of Ellicott Creek.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No adverse effects noted

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor

SEAL

Town of Lancaster

January 20, 1998

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and
and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

January 20, 1998

**IN THE MATTER OF THE SEQR REVIEW OF THE
UNITED SILICONE, INC. SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the United Silicone Inc., site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER WHITTAKER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
UNITED SILICONE, INC. SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 17.35 acres.

The location of the premises being reviewed is situate on the south side of Walden Avenue, east of Enterprise Drive at 4471 Walden Avenue.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy.

No adverse effects noted

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor

SEAL

Town of Lancaster

January 20, 1998

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and
and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

January 20, 1998

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:45 P.M.


Robert P. Thill, Town Clerk

MEETINGS TO DATE 4
NO. OF REGULARS 2
NO. OF SPECIALS 2

Page 59
LANCASTER, NEW YORK
JANUARY 20, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of January 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

At 9:00 P.M. the Town Board went into Executive Session for the purpose of discussing a legal matter.

At 9:25 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Flooding at Transit Road and William Street.
- Garbage and refuse tipping fees.
- LVAC Ambulance service.

Gull, Henry, 710 Pavement, spoke to the Town Board on the following matters:

- Rodent control at the Tops Distribution Center.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:

RESOLVED, that the minutes from the Organizational Meeting and the
Regular Meeting of the Town Board held on January 1, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, the Town of Lancaster desires to engage the services of an independent contractor to provide grant writing services for a 1998 SARA Grant Application for a microfilming grant for vital Town records, and

WHEREAS, Holark Systems, 68 Springville Avenue, Amherst, New York 14226, has the capability of providing these services as an independent contractor to the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Holark Systems, 68 Springville Avenue, Amherst, New York 14226, for preparation of a 1998 Sara grant application at a cost of \$75.00 per hour, not to exceed \$1,900.00, be and is hereby accepted and the Town Clerk be and is hereby authorized to execute said agreement, and

BE IT FURTHER

RESOLVED, that this resolution is adjunct to the resolution adopted by the Town Board on November 3, 1997 retaining the services of Grant Makers Advantage, Inc. for providing grant writing services to the Town of Lancaster and any fees charged by Holark Systems shall be calculated as an inclusion in reaching the maximum dollar limit of \$5,000.00 set forth in the retention of Grant Makers Advantage, Inc.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

FILE: Rgrant

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR , TO WIT:

WHEREAS, Weaver Metal & Roofing, 40 Appenheimer Avenue Buffalo, New York 14214, the Roofing Replacement contractor for the Town of Lancaster Town Hall and Opera House roof replacement project, has submitted Change Order No. 1 in the amount of \$1,950.00 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated December 29, 1997, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to Weaver Metal & Roofing according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER:

Remove existing flashing covering tower roof eave at gutters and arches, and replace with new metal flashing as outlined on Abate Engineering Associates Drawing No. 1 dated September 29, 1997

CHANGE ORDER NO. 1:

The original Contract sum was	151,500.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was	151,500.00
The Contract Sum will be increased by this Change Order in the amount of	1,950.00
The new Contract Sum increased including this Change Order will be	153,450.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File:RCHANGE.ORD (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, Elizabeth Stock, a Senior Data Processing Control Clerk in the
Office of the Receiver of Taxes, by letter dated January 9, 1998, has requested permission to
carry over her seventeen and one-half (17.5) hours of vacation time accrued which she cannot
take by her anniversary date of January 1, 1998 due to reasons cited in her letter, and

WHEREAS, the Town of Lancaster White Collar Unit of Local 815, by letter
dated January 12, 1998, has indicated a willingness to concur and give their approval with the
stipulation that this will be a non-precedented setting to the granting of this request,

NOW, THEREFORE, BE IT

RESOLVED, that Elizabeth A. Stock, a Senior Data Processing Control Clerk in
the Office of the Receiver of Taxes, shall be permitted to carry over her seventeen and one-half
(17.5) hours of 1997 vacation time to her 1998 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

FILE: RPERS.VAC (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation and Forestry
Department of the Town of Lancaster, by letter dated January 12, 1998, has recommended the
appointment of Gladys Weiss to the position of Recreation Attendant, Ceramic Teacher, part
time, at the Senior Center,

NOW, THEREFORE, BE IT

RESOLVED, that **GLADYS WEISS**, 441 North Creek Drive, Depew, New
York 14043, be and is hereby appointed to the position of Recreation Attendant, Ceramic
Teacher, part time, at the Senior Center of the Town of Lancaster, retroactive to January 10,
1998 , at an hourly rate of \$6.75, with no benefits:

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary
action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
January 13, 1998, has recommended the appointment of **Katherine Kalinowski** to the position
of Tutor with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that **KATHERINE KALINOWSKI**, 6403 Genesee Street,
Lancaster, New York 14086, be and is hereby appointed to the position of Tutor with the Town
of Lancaster Youth Bureau, effective January 20, 1998 at an hourly salary of \$9.00, and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated January 12, 1998, has requested the addition of one member to the active roster of said fire
association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company, Inc. of the following
individual:

ADDITION

Jayne Carnahan
3 South Transit Hill
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Bryan and Suzanne Sinclair, have applied for a Dumping Permit for property situated at 578 Ransom Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Bryan and Suzanne Sinclair, 578 Ransom Road, Lancaster, New York 14086 be and are hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicants at 578 Ransom Road, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Sides of driveway to have three on one slope, top soiled and seeded.
3. Dumping is to be limited to the southeast portion of the property to bring small depression up to grade..
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Roads must be cleaned on a daily basis and more often if necessary.
6. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
7. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

8. Crusher run to be placed on existing driveway to insure dry, safe bed for vehicles.
9. Berm to be placed along south property line with Austrian pine or Arborvitae planted on berm, and

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, GEORGE E. O'NEIL, heretofore applied for approval of a
subdivision known as **D'APRILE SPRINGS**, and

WHEREAS, the Planning Board and Town Engineer have given their approval
to the filing of this subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and
reviewed the beforementioned project;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the
subdivision known as D'Aprile Springs, as filed by George O'Neil and prepared by Nussbaumer
& Clarke, Inc., and
2. That the Town Clerk be and is hereby directed to properly endorse the
approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: radprile

PREFILED RESOLUTION NO. 10 - MEETING OF 1/20/98

10. Stempniak/_____ Approve Site Plan United Silicone Inc.

At the request of Council Member Stempniak, this resolution was withdrawn for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, LANCASTER SELF STORAGE, has submitted a Site Plan received November 25, 1997, for the construction of 12,000 s.f. of additional storage to its existing facility located on its premises at 6509 Transit Road, Bowmansville, in the Town of Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated December 8, 1997, recommended approval of this project, and

WHEREAS, a SEQR review was conducted on this project on January 20, 1998, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Michael Arcangel, received on November 25, 1997, for Lancaster Self Storage, for construction of 12,000 s.f. of additional storage to its facilities located at 6509 Transit Road, Bowmansville, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: rasite2.198

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, Donald Gallo, Consulting Engineer, has submitted a proposal dated January 2, 1998 for providing engineering services for Walden Pond Park Improvements, 1998 Project, in the Town of Lancaster, and

WHEREAS, the Town Board, after review and discussion, deems it to be in the public interest to retain Donald Gallo for the beforementioned engineering services;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby retains Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202, to provide engineering services for Walden Pond Park Improvements, 1998 Project, with his proposal dated January 2, 1998, on file in the Town Clerk's Office; with said services not to exceed the sum of \$14,200.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated January 15, 1998, has requested the addition of one probationary active member and a deletion to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition and deletion to the membership of the Bowmansville Volunteer Fire Association, Inc. of the following individuals:

ADDITION

Steven Landahl
402 Central Avenue
Lancaster, New York 14086

DELETION

Anthony Natalzia

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: RFIRE (P2)

PREFILED RESOLUTION NO. 14 - MEETING OF 1/20/98

14. Giza/_____ Authorize Issuance Of Conditional Building Permit To Garden Place Inc To Place Footers And Foundation

At the request of Supervisor Giza, this resolution was withdrawn for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety, Section 30-40 of Chapter 30, Article II of the Code of the Town of Lancaster, entitled "Public Safety Impact Fee", and to enact in place thereof a Local Law of the Year 1998, entitled, "Public Safety Impact Fee", designated as Section 30-40 of Chapter 30, Article II of said Code, which reads as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

**ARTICLE II
PLANNING AND DEVELOPMENT FEES**

PUBLIC SAFETY IMPACT FEE

Proposed

**LOCAL LAW NO. 1
1998**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-40, OF CHAPTER 30, ARTICLE II OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "PUBLIC SAFETY IMPACT FEE", AND REPLACING IT WITH A LOCAL LAW OF 1998 ENTITLED, "PUBLIC SAFETY IMPACT FEE" AND DESIGNATED AS CHAPTER 30, ARTICLE II, SECTION 30-40, PUBLIC SAFETY REVIEW FEE, OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1..

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 30-40 of Chapter 30, Article II of the Code, entitled "Public Safety Impact Fee".

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 1998, to replace Section 30-40 "Public Safety Impact Fee" as hereinabove repealed, which shall be entitled: "Public Safety Impact Fee" and further designated as Article II, Chapter 30 of said Code, and shall read as follows:

§30-40. Public safety impact fee.

- A.** Legislative authority; title. This local law is enacted pursuant to the authority granted in § 10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to property, affairs and government of the Town, and shall be known as "Local Law No. 1 of the Year 1998, Public Safety Impact Law of the Town of Lancaster" which shall provide for the maintenance and continuance of adequate police and fire protection services.
- B.** Impact fee required. Where application for a building permit is made to the Building Inspector of the Town of Lancaster for new construction, the following public safety impact fees shall be imposed as part of the building permit application fees:
 - (1)** Single-family dwelling: three hundred fifty dollars (\$350.) per lot.
 - (2)** Multiple-family dwellings: apartment houses, townhouse units and condominium units: three hundred fifty dollars (\$350.) for the first dwelling, plus three hundred dollars (\$300.) for each additional dwelling unit.

- (3) Hotel and motels: three hundred fifty dollars (\$350.) for the first sleeping unit, plus three hundred dollars (\$300.) for each additional sleeping unit.
- (4) Commercial and industrial buildings: five hundred dollars (\$500.) per acre or any part thereof.

C. When effective. This Local Law shall take effect after mailing, filing and publication as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law No. 1 of the Year 1998, which local law repeals in its entirety Section 30-40 of Article II of Chapter 30 of the Code of the Town of Lancaster, entitled: "Public Safety Impact Fee", and enacts in place thereof a new Section 30-40 of the said Code, entitled "Public Safety Impact Fee" will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:10 o'clock P.M., Local Time, on the 2nd day of February, 1998, and that Notice of the Time and Place of such Hearing shall be published on January 22, 1998, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law No. 1 of the Year 1998, entitled: "Public Safety Impact Fee Law", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: rloclaw.198

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 25 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted January 20, 1998, the said Town Board will hold a Public Hearing on the 2nd day of February, 1998, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law No. 1 of the Year 1998, which Local Law repeals in its entirety, Section 30-40 of Article II of Chapter 30 of the Code of the Town of Lancaster, entitled "Public Safety Impact Fee" and enacts in place thereof a new Section 30-40 of Article II of Chapter 30, entitled: "Public Safety Impact Fee Law" of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 30-40 of Article II, Chapter 30 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter 30-40, "Public Safety Impact Fee Law.

This Local Law allows the imposition of a Public Safety Impact Fee to provide for the maintenance and continuance of adequate police, fire and emergency services in the Town of Lancaster."

A complete copy of this proposed Local Law No. 1 of the Year 1998, entitled: "Public Safety Impact Fee Law" and further designated as Chapter 30-40 of Article II, Chapter 30 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

January 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION , SECONDED BY COUNCIL
MEMBER KWAK TO WIT:

Page 80

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 36 to Claim No.329 Inclusive

Total amount hereby authorized to be paid: **\$869,604.00**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4686	Anton Shelton	1 Quail Run Ln	Er. Shed
4687	Wilcox Brothers Signs	6363 Transit Rd	Er. Sign
4688	Sig Domanowski	5017 William St	Inst. Furnace
4689	Bob Evans Rest	6635 Transit Rd	Alt. Restaurant
4690	Forbes Homes Inc	10 Regency Ct	Er. Sin. Dwlg
4691	Donato Developers	9 Candlestick Ct	Er. Sin. Dwlg
4692	Wilcox Brothers Signs	6363 Transit Rd	Er. Sign
4693	Tru-Way Travel	5153 Transit Rd	Er. Temp. Sign
4694	Ryan Homes	43 Michael Anthony	Er. Sin. Dwlg
4695	Heartland Homes	11 Devonshire Ln	Er. Sin. Dwlg
4696	Thomas Smith	10 Old Orchard Comm	Ex. Sin. Dwlg
4697	Another Custom Home	77 Newberry Ln	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File:Rhldg2

Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution:
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED,
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, after due review and consideration deems it in the public interest to issue a Request for Proposals (RFP) pursuant to the authority contained in §120-w General Municipal Law for the purpose of receiving proposals to a disposal site for non-hazardous municipal solid waste generated in the Town of Lancaster Refuse and Garbage District which includes the Village of Lancaster but excluding the Village of Depew, and

WHEREAS, the General Municipal Law sets forth that in order to provide for public information and review that the Town publish notice of the issuance of such an RFP prior to the issuance of same and to concurrently file a draft RFP with the Town Clerk or Supervisor, and

WHEREAS, a draft RFP has been prepared by the Town Attorney and reviewed by the Town Board;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, pursuant to §120-w General Municipal Law hereby authorizes the publication of a Notice of Issuance of an RFP for a disposal site for non-hazardous municipal solid waste generated in the Town of Lancaster Refuse and Garbage District and further directs that the draft Request for Proposals be filed with the Town Clerk of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 20, 1998

File: rrfpnot.

COMMUNICATIONS:

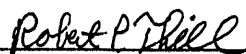
Page 84

9. Town Clerk to Town Board -
Notification of contracts due to expire March 1998. DISPOSITION = Town Attorney
10. Town Clerk to Media -
Notice of meetings of official bodies during 1998. DISPOSITION = Received and Filed
11. Town Clerk to Supervisor -
Monthly report for December 1997. DISPOSITION = Received and Filed
12. Robert J. Giroux to Town Board -
Request sell back of accumulated 19 days of vacation. DISPOSITION = Supervisor
13. Police Chief to Supervisor -
Request Board authorize retaining Leonard Berkowitz, Attorney at Law, to handle Thurnherr matter. DISPOSITION = Supervisor and Town Attorney
14. Police chief to Town of Alden Supervisor -
Inquiry as to progress of obtaining fire dispatch services contract for 1998. DISPOSITION = Received and Filed
15. Jack Scherlein, Northwest Lancaster Homeowners Assoc., to Town Clerk -
Complaint of inadequate notice about date of the bi-annual Town Board organizational meeting. DISPOSITION = Received and Filed
16. Town Clerk to Jack Scherlein, Northwest Lancaster Homeowners Assoc. -
Apology for late notice of bid-annual Town Board organizational meeting and outline of measures taken to improve timely dissemination of future notices. DISPOSITION = Received and Filed
17. Metropolitan News -
Article entitled "Supervisor plans some leadership changes for new year". DISPOSITION = Received and Filed
18. Lancaster Opera House Board of Trustees to Town Board -
Invitation to Members' Social in honor of Sue Carlton, former Executive Director, and introduction of Thomas T. Kazmierczak III, new Executive Director, to be held 1/20/98. DISPOSITION = Received and Filed
19. Village of Lancaster Village Partnership to Town Board -
Notice of public meeting and SEQR scoping session on proposed central business district revitalization strategy for Village of Lancaster. DISPOSITION = Received and Filed
20. Charity Vogel, Buffalo News Lancaster Correspondent, to Supervisor -
Notice of transfer from Lancaster beat and notification of Dick Dawson as replacement. DISPOSITION = Received and Filed
21. Lancaster Presbyterian Church to Supervisor -
Request Board issue proclamation affirming the 180th anniversary of founding and the place of the church in the growth and development of the Town. DISPOSITION = Received and Filed
22. David Rucker Family to Supervisor -
Request assistance in resolving problem of Twin District Fire Co.'s roof top flood lights. DISPOSITION = Supervisor
23. County Dep. Commissioner - Youth Division to Supervisor -
Comments re: revised 1998 State aid eligibility for Youth Development and Delinquency Prevention Programs. DISPOSITION = Received and Filed
24. NYSDOT to Town Clerk -
Results of investigation of pavement markings in vicinity of Route 33, Genesee Street, through Bowmansville. DISPOSITION = Town Engineer
25. Disaster Coordinator to Town Board -
Request additional funds in budget to cover new vehicle. DISPOSITION = Supervisor
26. Police Chief to Town Board -
No objections to D'Aprile Springs final plat. DISPOSITION = Received and Filed
27. General Crew Chief to Supervisor -
Request appointment of Gladys Weiss as Recreation Attendant, ceramic teacher, at Senior Center. DISPOSITION = Received and Filed

- Page 85
28. Elizabeth A. Stock to Town Board -
Request carry over of unused vacation time to 1998 service year. DISPOSITION = Received and Filed
 29. CSEA White Collar Unit Pres. to Town Board -
Advisement of concurrence with request of Elizabeth A. Stock for carry over of unused vacation time to 1998 service year. DISPOSITION = Received and Filed
 30. Town Engineer to Town Board -
Recommend Change Order No. 1 for Weaver Metal & Roofing re: Town Hall and Opera House roof replacement project be authorized. DISPOSITION = Received and Filed
 31. Youth Bureau Ex. Dir. To Town Board -
Recommend appointment of Katherine Kalinowski to position of tutor effective 1/20/98. DISPOSITION = Received and Filed
 32. Planning Board to Town Board -
Agenda for meeting to be held 1/21/98. DISPOSITION = Received and Filed
 33. Town Clerk to Media -
Notice of SEQR meeting to be held 1/20/98 re: site plans for Lancaster Self I Storage and United Silicone. DISPOSITION = Received and Filed
 34. Twin District VFC to Town Clerk -
Notification of new member added to roster. DISPOSITION = Received and Filed
 35. Town Engineer to Town Board -
Recommend issuance of dumping permit for Bryan/Suzanne Sinclair. DISPOSITION = Received and Filed
 36. Town Engineer to Town Board -
Summary of construction costs for Youth Bureau building. DISPOSITION = Supervisor
 37. Bowmansville VFA to Town Board -
Notification of addition to/deletion from active roster. DISPOSITION = Received and Filed
 38. Building Inspector to Town Board -
Transmittal of letter from NYSDOT re: recent traffic study at Tops Distribution Center. DISPOSITION = Received and Filed
 39. Planning Board to Town Board -
Minutes from meeting held 1/7/98. DISPOSITION = Received and Filed
 40. NYS Off. of the Comptroller to Judge Dwan -
Comments re: electronic filing of monthly reports. DISPOSITION = Received and Filed
 41. United Way to Supervisor -
Transmittal of job description for Community Team Leader. DISPOSITION = Received and Filed
 42. Highway Supt. To Supervisor -
Snow plowing concerns and comments re: Hedge Lane. DISPOSITION = Received and Filed
 43. Supervisor to Twin District VFC Chief -
Request that problem of flood lights shining onto the adjacent property of David Rucker, 4975 William St., be discussed with membership and be resolved. DISPOSITION = Received and Filed
 44. Duplicate of No. 28.
 45. Village of Lancaster Mayor to Norine Borkowski -
Notification that letter re: Regal Theater is being forwarded to Town Building Department and Town Supervisor. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:25 P.M.


Robert P. Thill, Town Clerk